

CEMETERY ACCESS AND MAINTENANCE ON STATE FOREST PROPERTIES

The properties that make up the state forest system in Indiana were all first settled and owned by private individuals and institutions. Because of this previous history there are many cemeteries located within the boundaries of state forests. These cemeteries range in size from a simple family burial plot with homemade headstones to very formal cemeteries with ornate stones, fences and plantings. For purposes of this policy cemeteries located within the boundaries of state forest properties will be classified as either being owned by the State of Indiana (i.e. the real estate upon which the cemetery is located has been deeded to the State), or as being owned by an outside individual, agency or institution but is essentially a completely surrounded inholding within a state forest.

Regardless of the ownership of the cemetery it shall be the policy of the Division of Forestry that permission to enter any cemetery will be granted unless such entry would create an unsafe or hazardous situation. The Division of Forestry will waive any property entrance fees for individuals who are specifically entering the property to visit a cemetery. This permission to enter is different from providing physical walking or driving access to a cemetery, which will be addressed later in this policy.

Vehicle and Walking Access to Cemeteries

The Division of Forestry will maintain that portion of existing roads and trails (non-county/state/federal roads located on state forest land) that provide access to known cemeteries. The Division of Forestry is not responsible for the creation of new access roads or the upgrading of existing roads for the sole purpose of improved access to cemeteries. Some existing roads and trails that provide driving access to more remote cemeteries may be gated and locked to prevent unauthorized use of the road. However, persons wishing to visit cemeteries beyond the locked gates may gain access by request at the property office with reasonable advance notice. Persons seeking such access should be aware that some property offices are not staffed full time and notice of a visit should be made several days in advance if possible. This access policy applies to both cemeteries owned by the state and those that are inholdings within state boundaries.

Care and Maintenance of Cemeteries

The Indiana Attorney General's Office determined in December, 1987 that the Department of Natural Resources has no statutory responsibility to maintain cemeteries located within the state-owned property which was acquired prior to September 1, 1982. Cemeteries acquired after September 1, 1982 may carry a maintenance responsibility under IC 23-14-1-4.5. This statutory responsibility for the care and maintenance of cemeteries that have no funds for maintenance was assigned to the counties (IC 23-14-26) and the townships (IC 23-14-27).

The Division of Forestry recognizes that all cemeteries provide both a cultural resource for the entire state and a personal touchstone for families. Therefore, without statutory mandate, the Division of Forestry has adopted the following policy on the care and maintenance of cemeteries located within the boundaries of Division of Forestry properties.

Cemeteries not owned by the DNR but surrounded by Division of Forestry lands

1. The DNR can provide neither labor nor materials for the maintenance of these cemeteries, which are private property.
2. Division of Forestry personnel will cooperate with organizations, individuals or institutions wishing to maintain such cemeteries by facilitating access across state-owned property, providing technical forestry expertise and similar contributions.
3. The Division of Forestry will provide available information about cemeteries to persons requesting such information.

Cemeteries located on Division of Forestry managed land

1. The Division of Forestry will identify and document the location of each such cemetery as that information becomes available.
2. The Division of Forestry will seek to the best of its ability to protect cemeteries from accidental or intentional damage.
3. The Division of Forestry will attempt to keep known cemeteries free of woody vegetation that is less than four inches in diameter. Larger trees will be removed if they pose a danger to the site or visitors. The Division of Forestry will not be responsible for the control of any non-woody vegetation.
4. Division of Forestry personnel will cooperate with organizations, individuals or institutions wishing to pursue additional maintenance.